

REMARKS

In response to the objections to the specification, page 1 of the application has been amended to correct the informalities noted by the Examiner and to include a reference to the claim of priority. Thus, withdrawal of the objections is respectfully requested.

In the Official Action, the Examiner rejected all the claims as being anticipated by U.S. Patent No. 5,603,031 to WHITE et al. The applicants respectfully request reconsideration of the rejections in view of the claim amendments and the following remarks.

Claim 53 has been clarified to recite that the process evolves by selectively deleting, adding, and/or replacing *(part of the) or (new) data and/or program modules and execution states*. The amendments are supported, for example, at page 3, lines 6 - 15 and page 12, lines 12 - 29. Thus, no prohibited new matter has been added.

The amendments define the invention more clearly by clarifying that the evolution of the process is performed by selective deletion/replacement of part of the data and/or program modules and *part of the execution states* from within the process or addition of new data and/or program modules and *execution states* into the process. In this way, the process has flexibility to evolve because the transmitted process can be easily adapted to the new environment of the destination computing component.

WHITE et al. disclose a distributed computing environment in which agent processes direct their own movement through a computer network. As indicated at column 7, line 66 - column 8, line 6, instructions of the computer process, the preserved execution states, and objects owned by the computer process are packaged (or encoded), to generate a string of data which can be transported by all standard means of communication. Further, lines 11 - 20 clarify that at the destination computer system, the string of data is used to resume execution of the computer process. Thus, the execution state of the computer process in its entirety must be preserved for the process to resume execution of the destination computer system. There is no disclosure of manipulating the preserved execution states which is in line with the above understanding that the execution state in its entirety must be preserved for the process to resume execution at the destination computer.

In contrast, the evolution of the process in amended claim 53 involves the selective deletion/replacement of part of the data and/or program modules *and* part of the execution states from within the process and/or the addition of new data and/or program modules *and* execution states, which is different from the distributed computing environment of WHITE et al.

Moreover, the applicants submit that it would not be obvious to arrive at the present invention in view of the teachings of WHITE et al. As indicated above, WHITE

et al. teach that the execution states are preserved in their entirety for the migrating process to resume execution at the destination computer, which clearly teaches away from the present invention which requires that part of the execution states are deleted/added/replaced for the process to evolve. Consequently, there is no motivation for one of ordinary skill in the art to modify the teachings of WHITE et al. to arrive at the present invention as now claimed. It is therefore submitted that amended claim 53 is not anticipated nor rendered obvious by WHITE et al.

Thus, the applicants submit that claim 53 is patentably distinguished from WHITE et al. and withdrawal of the rejections is requested.

Independent method claim 79 include limitations similar to those recited in claim 53. Thus, the applicants submit that claim 79 is also patentable at least for the same reasons noted above with respect to claim 53.

With respect to dependent claim 80, column 26, lines 22 - 40 of WHITE et al. describe how two agents process exchange information during a meeting when one of the agent processes migrates from a first place process to a second place process. At lines 26 - 29, WHITE et al. explain that a first agent process can direct the second agent process to take specific actions in accordance with instructions contained with the second agent process and can transfer data to and receive data from the second agent process. WHITE et al. also describe that the first agent process transfers objects to and receives objects

from the second agent process or to interchange objects (column 10, lines 48 and 49). However, transfer or interchanging of objects would not change the functionality of the migrating agent processes because the objects must be equal before they are interchanged (*see* column 25, line 8, and abstract). Thus, in WHITE et al. the functionality of the migrating agent process is the same when migration is initiated until the agent process resumes operation at the second place process (i.e., the destination). In other words, the functionality of the migrating agent process changes only after the agent process resumes execution at the second place process, as acknowledged by the Examiner.

In contrast to WHITE et al., claim 80 clarifies that the “evolution of the process to change its functionality is performed prior to the process resuming operation on the second computer component”. The basis for the amendment can be found at page 3, lines 16 - 18 of the present application. The features of claim 80 are particularly advantageous because the process of claim 80 has the flexibility to evolve, for example, during the transmittal or migration process thereby changing its functionality before the process resumes running on the second computer component.

Consequently, it is submitted that claim 80 is neither anticipated nor rendered obvious by WHITE et al. An indication of allowability is respectfully requested.

New claim 81 is formed from a combination of claim 53 (before the present amendments) and the subject matter of claim 80. New claim 82 is formed from a

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combination of claim 79 (before the present amendments) and the subject matter of claim 80. Thus, it is submitted that claims 81 and 82 are patentable at least for the same reasons submitted for claim 80. An indication of allowability is respectfully requested.

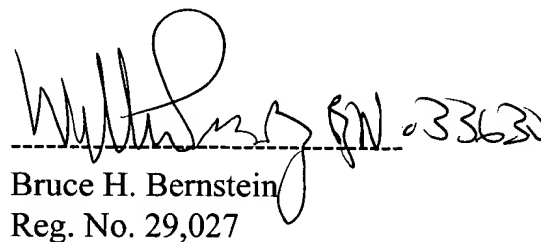
Dependent claims 54 - 78, and 80 are dependent from claim 53 and thus, the applicants submit that these claims are patentable at least for this reason. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for independent claim 53, in addition to reasons related to their own recitations, for example the reasons stated above with respect to claim 80. Accordingly, applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.

The above amendments have been presented merely for the purpose of clarification, and not to overcome the applied prior art. Accordingly, no estoppel is deemed to result from any of the present amendments.

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Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Tewo Hin NGAIR et al.



Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191